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TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [BA](#) [HUMRIT](#)
SUBJECT: MINISTRY OF LABOR RESPONSE TO USG DEMARCHE ON
STRIKE BAN

REF: A. MANAMA 194
[B](#). STATE 13806
[C](#). 2006 MANAMA 1979

Sensitive but unclassified; please protect accordingly. Not
for Internet distribution.

[1](#)1. (SBU) Ministry of Labor Director of Public and
International Relations Subah Salem Al Dossary passed to the
Embassy March 26 a letter containing the Ministry's response
to Ref B points delivered by the Ambassador to Minister of
Labor Dr. Abdulmajeed Al Alawi on February 28 (Ref A). The
points express USG concerns about Prime Ministerial Executive
Order 62 (Ref C), which bans strikes in several sectors and
appears to go further than ILO guidelines regarding bans on
strikes. An unofficial translation of the Arabic letter from
the Ministry of Labor is provided below.

[1](#)2. (SBU) In its response, the Ministry noted that the
International Labor Organization (ILO) has not issued a
convention that addresses labor's right to strike. The ILO
has stated that each country has the right to organize the
practice of labor's right to strike even if this requires
banning strikes in certain sectors where strikes may disrupt
the course of daily life for citizens. The Ministry's
response stated that Bahrain's identification of vital
sectors does not differ from the vital sectors specified by
legislation in other Arab and foreign countries. Although
strikes are banned in certain sectors, the response also
noted that Bahraini legislation has made it mandatory to
employ reconciliation and arbitration to resolve conflicts
between workers and management in these sectors.

[1](#)3. (SBU) Begin letter text:

The Ministry of Labor's Reply to U.S. Embassy Concerns on the
Ban of Strikes in Vital Sectors

The Ministry of Labor in the Kingdom of Bahrain reaffirms
that identification of the vital sectors where strikes are
banned, which have been mentioned in Edict (Executive Order)
Number 62 of 2006, has come in accordance with international
labor standards, as well as with what is in practice (in
other countries). The following points need to be recognized.

First, the International Labor Organization (ILO) has not
issued a convention that addresses labor's right to strike.
The only international agreement that has addressed this
right is the International Protocol for Economic, Social and

Cultural Rights, which was issued by the UN in 1966. Article 8 of this protocol states that strikes are to be practiced in accordance with local legislation of individual countries. By stating so, the protocol has outlined the legitimacy of the right to strike as a means to defend both economic and social rights of workers, and has given local legislation of each country the authority to govern labor's practice of this right.

Second, the Union Freedom Committee at the ILO has stated on more than one occasion that each country has the right to organize the practice of labor's right to strike even if this requires banning strikes in certain sectors, which are called "vital sectors," where strikes may disrupt the course of daily life for citizens. This has been principally addressed by Bahraini legislation in Article 21 of the Trade Unions Law issued as law by decree number 33 of 2002 (and amended by law number 49 of 2006) in which vital sectors have been defined. It authorizes the Prime Minister to identify those sectors, so that the order can be amended whenever needed, avoiding the difficulty of the lengthy, complicated process of amending legislation. This is the approach taken with comparable legislation; vital sectors are defined (by legislation) and identification of the sectors is left to ministerial orders because they can be easily amended as required.

Third, the vital sectors in which strikes are banned, which are specified by the aforementioned Prime Ministerial executive order, do not differ from the vital sectors that are specified by legislation in other Arab and foreign countries. When those vital sectors are identified, the continuity of service provided to citizens has been taken into consideration.

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Fourth, the Prime Minister's executive order includes the same vital sectors that were listed in Article 21 of the Trade Unions Law before it was amended by law number 49 of 2006. The executive order included additional vital sectors that are essential to the general public, such as educational institutions and the oil and gas sectors. It is unrealistic to allow strikes in educational institutions that have a limited time frame and a tight academic schedule. These days are difficult to replace if strikes are allowed. Moreover, it is illegal to strike in the oil and gas sectors because oil and gas are the main sources of income for the government of the Kingdom of Bahrain. The executive order also banned strikes in transportation, which is considered an essential facility for the general public and which affects many other sectors in the country. Identification of these sectors took into consideration the importance of these sectors to the general interest of citizens.

Fifth, even though the Bahraini legislature has banned strikes in the aforementioned vital sectors, it has at the same time made it mandatory to employ reconciliation and arbitration to resolve conflicts between workers and management in these sectors. This policy meets international labor standards and is in line with other laws in these cases.

Sixth, the mechanism of reconciliation and arbitration has, in many cases, resolved conflicts between workers and management, thus preventing strikes.

Finally, the Ministry affirms that the Prime Minister's executive order banning strikes in vital sectors can be amended if one of the listed sectors is found not to be vital any longer. The Bahraini legislature did not specify the vital sectors; the sectors are specified by an executive order from the Prime Minister that is easier to amend when required.

End text.

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